PATENT
RAP04 P-608C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Confirmation No. : 3319
Group Art Unit : 3651
Examiner : Joseph E. Valenza
Applicant : David W. Zeitler
Application No. : 10/679,613
Filing Date : October 6, 2003
For : **CONVEYOR INDUCT SYSTEM**
Atty. Docket No. : RAP04 P-608C
Customer No. : 28 101

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Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that this paper together with the attached Appellant's Reply Brief (37 C.F.R. 1.193(b)(1)) (13 pages), including cover sheet (1 page); (cover sheet and Brief are submitted in triplicate); Appellant's Reply Brief (37 C.F.R. 1.193(b)(1)) letter (1 page); Transmittal of Appellant's Reply Brief (1 page, in duplicate); and return postcard are being deposited with the United States Postal Service as first class mail, postage fully prepaid, in an envelope addressed to:

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on December 20, 2004.

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Dear Sir:

TRANSMITTAL OF APPELLANT'S REPLY BRIEF

Transmitted herewith in triplicate is the APPELLANT'S REPLY BRIEF (37 C.F.R. 1.193(b)(1)) in this application with respect to the Examiner's Answer mailed on November 1, 2004.

Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0190. A duplicate copy of this page is enclosed.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhart, LLP

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Dear Sir:

APPELLANT'S REPLY BRIEF (37 C.F.R. 1.193(b)(1))

This Reply Brief is in furtherance of the Examiner's Answer mailed in this case on November 1, 2004. Any fees, which may be required for filing this Brief, are dealt with in the accompanying TRANSMITTAL OF APPELLANT'S REPLY BRIEF.

This Brief is transmitted in triplicate.

Respectfully submitted,

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Dated: December 20, 2004.

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APPELLANT'S REPLY BRIEF

Pursuant to 37 C.F.R. §41.37, Applicant is filing this reply brief in response to the Examiner's Answer mailed November 1, 2004.

As set forth in the Appellant's principal brief, there are at least six separate issues that have been raised by this appeal. A reply to the Examiner's comments regarding these issues appears below. The section headings found below are the same headings found in Appellant's principal brief, including the original numbering and lettering for those headings. The headings also appear in the same order as in the principal brief. This should make it more convenient to match Appellant's reply comments contained herein to both the principal brief and the Examiner's Answer.

Before considering the individual issues of the present appeal, Appellant would like to point out the Examiner's Answer's continued failure to specify what provision of 35 U.S.C. §112 the rejections for alleged "inadequate disclosure" are based upon. 35 U.S.C. §112 requires three disclosures: best mode, written description, and enablement. The Examiner has never identified which of these three disclosure requirements the rejections are based upon, which renders it difficult both to understand the foundation of the rejections and to illuminate their shortcomings. In fact, neither the Examiner's Answer nor any of the previous rejections in this case (or its parent case) identify any relevant case law that articulates the legal standard for the rejections, forcing Appellant to guess the legal basis for the claim rejections. Nevertheless, Appellant has included below his reply to the Examiner's Answer and its unarticulated standard upon which many of the claim rejections have been based.

VIII. A. (Issue #1) Applicant Need Not Claim Conveyor Interfaces Having Similar Frictional and Size Characteristics

As discussed in Appellant's principal brief, there are five separate reasons why Applicant does not need to claim conveyor interfaces having the same frictional and size characteristics. Should the Board of Appeals agree with even a single one of these five reasons, the Examiner's rejection of the claims with respect to Issue #1 should be overturned. Applicant's response to the Examiner's comments regarding each of these five reasons follows.

1. Having The Same Characteristics at Conveyor Interfaces is Not a Critical Feature of the Invention

The Examiner's Answer includes nothing that rebuts Applicant's argument that having the same conveyor interface characteristics is not a critical feature of the invention. Page 8 of the Examiner's Answer makes the wholly speculative assertion that different frictional and size characteristics at conveyor interfaces will "seriously effect" the operation of the system. There is no support for this assertion. Different frictional and size characteristics may affect the system's operation, but to claim it will "seriously effect" the operation is sheer conjecture. More importantly, the degree to which the operation of the system may be affected by having different interface characteristics does not justify requiring Applicant to limit the claims. Nothing in the specification or the knowledge of one skilled in the art supports the Examiner's contention that having the same conveyor interfaces is critical.

2. There Is No Requirement That Applicant Claim Features Directed to a Separate and Independent Aspect of the Invention

In responding to Applicant's arguments in section VII-A-2 of the principal brief, the Examiner's Answer makes several crucial errors. Page 9 of the Examiner's Answer, for example, includes the following inaccurate statement:

> ...and since selector 66 is dependent on the control point determined for the article upstream by module 38, any claim that mentions a control point and system 40 must include elements 38 and 66.

This is wrong. Selector 66 is not dependent on a control point determined by module 38. The control point used by selector 66 may come from other sources. Page 14, line 4-6 make this incontrovertibly clear: "As stated previously, the invention contemplates that such control point information may come from control point determination module 38, or *it may come from other sources as well.*" [Emphasis added]. Because selector 66 does not require control point determination module 38 to operate, there is no reason why any of the features of control point module 38—such as the characteristics of a conveyor interface at which a control point is determined—need to be claimed.

Page 9 of the Examiner's Answer also includes the following incorrect statement:

> An assumed control point has no value or accuracy for unit 66 and 40 and will not result in the controlled handling of the articles that is being strived [sic] for.

This is wholly unsupported. Nowhere does the specification state or imply that an assumed control point has no value. Quite to the contrary, the specification makes clear that assumed control points have value. Page 14, lines 9-10 state that gap control system 40 finds equal applicability to systems in which an assumed control point is used. Clearly, this means assumed control points have value for the system.

Contrary to the Examiner's incorrect assertions, there is no inextricable link between the control point determination subsystem (such as subsystem 38) and the gap control subsystem (such as subsystem 40). Applicant is therefore free to recite the features of only one subsystem in his claims.

3. There Is No Requirement That Applicant Claim Only a Theoretically Perfect Embodiment of the Invention

Pages 9 and 10 of the Examiner's Answer include the statement: "It is the examiner's position that appellant's disclosure is only sufficient for arrangements handling identical articles on identical conveyors provided the claims make clear these limitations." There is no basis for this position.

The present invention is clearly capable of handling non-identical articles. In the embodiment illustrated in Fig. 1, articles 34f and 34g are shown as being differently sized, and the drawings are part of the disclosure. Still further, the specification demonstrates that gap control subsystem 40 can process non-identical articles. In the embodiment of Fig. 1, motor controller 74 adjusts the speed of conveyor 24 to create the desired gap between articles 34f and 34g (page 12, lines 18-23). These adjustments can be made up until control point 52 of article 34f reaches the midpoint between conveyors 24 and 32 (page 13, lines 18-24). At that moment, gap control system switches to adjusting the gap between articles 34e and 34f, a process that continues up until control point 52 of article 34e reaches the midpoint between conveyors 24 and 32 (page 13, lines 24-30). Then the gap between articles 34e and 34d is adjusted in the same manner, and the cycle repeats itself over and over again (page 13, lines 30-31).

This adjustment of the gap size between articles is entirely independent of either the uniformity or non-uniformity of the articles. Whether article 34f is twice as big, three times as heavy, or made out of different material than article 34g, for example, does not change the operation of gap control system 40. Regardless of the size, shape, weight, or center of gravity of article 34f, gap control system 40 adjusts the gap between articles 34f and 34g while control point 52 of article 34f is upstream of the midway point between conveyors 24 and 32.

Additionally, there is no need for the conveyors to be identical, as the Examiner asserts, because the system can operate when the control points are mere assumptions. In such cases there are no conveyors at which the control point is determined. Clearly, it is untenable to force Applicant to make the claimed conveyors be identical to another set of conveyors that may not exist. Even if those conveyors do exist, they need not be the same as the gap control conveyors. Any differences between the conveyors might create some errors, but there is no legal requirement that Applicant limit his claims to cover only a theoretically perfect and completely error-free embodiment of his invention.

4. Applicant is Entitled to Claim Systems in Which the Conveyor Interfaces of Subsystems 38 and 40 are Different

Page 10 of the Examiner's Answer states: "Unfortunately, appellant's disclosure does not adequately address how it handles different interfaces between conveyors." Even if true, which Applicant does not admit, this statement is irrelevant. A rejection for allegedly failing to address how Applicant's system handles different interfaces between conveyors is a rejection that has been pulled up into existence by its own bootstraps. It has been created by the Examiner's erroneous belief that the system must "handle" different interfaces between conveyors in some special manner. Then, based on this belief, the Examiner has rejected the claims because he couldn't find that special manner for handling this situation discussed in the specification.

But this rejection cannot stand because it is premised on an erroneous belief. Nothing in the specification states that gap control system 40 must work differently if it is used in conjunction with a control point determination module that has different conveyor characteristics. Merely having different conveyor characteristics does not mean the system completely and automatically ceases to function, as the Examiner seems to believe. Only in extreme cases might different conveyor characteristics become important, but a person skilled in the art would know not to use a control point determination module that measured the control point locations so inaccurately as to be useless for the gap control system. Applicant does not need to limit his claims to exclude the possibility of someone practicing the invention injudiciously.

5. The Examiner Hasn't Established a Factual Explanation Why Interfaces 38 and 40 Must Have the Same Characteristics

At page 10 of the Examiner's answer, the Examiner contends that Applicant's expert, Mr. Jerry Jakeway, has contradicted the specification of the present application. The Examiner writes:

> Appellant argues that frictional characteristics and conveyor gap size are largely irrelevant. If this is true, why does page 9 lines 5-8 of appellant's specification state "The precise moment when control switches from first conveyor 22 to second conveyor 24 is largely dependent upon the frictional characteristics of the article and the conveyor, as well as the center of gravity of the particular article." The fact is appellant is contradicting his own specification.

Mr. Jakeway's comments do not contradict the specification. His statements about the unimportance of the frictional characteristics and conveyor gap size refer to the conveyor interface of the gap control system. The statement at page 9, lines 5-8 refers to the conveyor interface in the control point determination system. His statement and the specification are therefore referring to two different conveyor interfaces.

Moreover, Mr. Jakeway's statement refers to the fact that the speeds of the two conveyors at the gap control interface would be synchronized when an article is handed off from one conveyor to another. As Mr. Jakeway stated, a person skilled in the art would recognize that the speeds of the conveyors in the gapping control subsystem 40 (e.g. the interface of conveyors 24 and 32 in Fig. 1) would be set equal to each other at the time an article transitioned from one conveyor to another. (Jakeway, ¶16). This would be done in order to preserve the article gapping that had been created by gap control system 40.

(Jakeway, ¶16). By synchronizing the conveyor speeds, the frictional coefficient differences and belt gap differences with respect to any interface in control point determination module 38 will have *no effect* at the time of handoff. (Jakeway, ¶16).

B. (Issue #2) Claims 55-94 Do Not Need to Recite Selecting a Gap

As discussed in Appellant's principal brief, there are two separate reasons why Applicant does not need to claim the selection of a gap. Should the Board of Appeals agree with even a single one of these two reasons, the Examiner's rejection of the claims with respect to Issue #2 should be overturned. In subsections 1-2 below, Applicant responds to the Examiner's comments regarding each of these two reasons.

1. Claims 55-94 Are Allowable Because Gap Selection is Unnecessary When a Controllable Gap is Identified

At page 11 of the Examiner's Answer, the Examiner argues that gap selection must be included in the claims because:

> gap selection is done by unit 66, which is separate from gap control system 40 or the control point determination module 38... [Therefore, s]ince neither control 38 or 40 selects a controllable gap, the claims are incomplete because the identifying of a controllable gap is not done by any disclosed control but by the unclaimed unit 66.

This is incorrect. Gap selector 66 is part of control system 40. The underlined reference numeral 40 in Fig. 1 refers to the various control structures adjacent it, such as gap selector 66, gap detector 64, feedback controller 72, and variable speed motor 74. As is readily apparent from the specification, gap control system 40 includes multiple components and one of its components is gap selector 66.

More importantly, whether gap selector 66 is classified as a part of control system 40, or a separate structure, is irrelevant. There is no requirement that a patent applicant include in his or her claims every single structure disclosed in the specification. Applicant does not need to claim gap selection merely because the specification discloses gap selector 66. Applicant's originally filed claims are part of the application's disclosure, and the originally filed claims 23 and 42 in the parent application included no selection of a gap.[1] Clearly, the present application fully supports claims without the selection of a gap, and the Examiner's classification of gap selector 66 as separate from gap control system 40 does not justify re-writing the claims to include gap selection.

2. Claims 55-64 and 75-84 are Allowable Because the Specification Clearly Discloses a System that Detects Only a Single Gap and Renders Gap Selection Unnecessary

Page 11 of the Examiner's Answer states: "The claims require 'said control identifies a controllable gap' and, by disclosure, a controllable gap is only determined by selector 66 from plural gaps." This is wrong. Nothing in the specification says that a controllable gap is only determined by selector 66 from plural gaps, and the Examiner's Answer fails to provide any citation to the specification for this erroneous proposition. The specification makes it amply clear that the system of the present invention can operate without ever detecting multiple gaps. The last sentence on page 12 of the specification states:

> Gap selector 66 chooses which of the gaps detected by detector 64, if there are more than one, to use in the feedback control loop that controls the speed of conveyor 24. [Emphasis added].

Clearly it is not necessary to select a gap when there may, in fact, only be a single gap present. There is no basis for requiring Applicant to include this unnecessary step in the claims.

C. (Issue #3) The Subject Matter of Claims 59, 69, 79, and 89 Is Fully Disclosed in the Specification

The Examiner has conceded this issue.

D. (Issue #4) Claims 59, 69, 79, and 89 Do Not Contain New Matter

The Examiner has conceded this issue as well.

E. (Issue #5) Claims 60-61, 70-71, 80-81, and 90-91 Are Fully Supported Because the Specification Discloses Measuring Control Points

The Examiner's response to this issue is premised upon the erroneous belief that the term "measuring" refers to an act that cannot include any "calculating." The Examiner Answer states at page 12:

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[1] A copy of the original parent application, serial no. 09/851,021, was filed and preliminarily amended in the present application. The original claims of the parent application can therefore be seen in the copy of the present application as originally filed in this case.

> The use of 'measure' which according to the dictionary requires 'comparison with a standard' in the specification is in conflict with the disclosed 'determination' which as required by the specification requires calculation by calculator 56.

There is no conflict between the specification and the use of the term "measuring" in the claims. The specification discloses a method for measuring the control point of an article. The fact that this method may involve some calculations does not destroy the fact that the control point is measured. "Measuring" is not mutually exclusive with "calculating." Many measurements involve calculations. Radar, for example, can be used to measure the position of airplanes in the sky, yet using radar for this measurement requires calculations involving time and the speed of the electromagnetic waves through the atmosphere. "Measuring" is an appropriate term for the claims, and it is supported by the specification.

F. (Issue #6) Claims 55-94 Are Not Anticipated or Rendered Obvious in Light of U.S. Patent No. 4,369,876 Issued to Small

There are six reasons why the rejections of the claims in light of the Small patent are unjustified. Responses to the Examiner's comments regarding these six independent reasons follow in subsections 1-6.

1. Claims 55-94 Are Allowable Over Small Because Small Does Not Teach, Suggest, or Disclose Controlling the Speed of Motor 49 as a Function of the Position of Any Control Points

Page 13 of the Examiner's Answer states: "Because Small et al does not mention a control point, it would be obvious to assume that the control point can be in any part of the article." This statement turns the legal standard for obviousness upside-down. The legal standard for obviousness requires a motivation or suggestion in the prior art, or the knowledge of one skilled in the art, to make a proposed modification to a disclosure. Here, the Examiner contends a *lack* of any such motivation or suggestion in the Small patent makes it obvious to label the frame edges as control points. By this reasoning, any patent could be cited to sustain a rejection of obviousness provided the patent failed to make any suggestions regarding the very subject matter contended to be obvious. Simply put, the Examiner's reasoning for alleged obviousness is the antithesis of obviousness.

In addition, a review of the Small patent demonstrates that it would not, in fact, be obvious to label the frame edges in Small control points because they cannot usefully function as control points in the Small system. At the moment one of the frames 286 transitions from roller A to roller B (see modified Fig. 20 below), both the leading and trailing edges of the transitioning frame 286 will be outside the detectable area of light beams #1-47.[2] This is because the moment of transition of frame 286 will occur when the frame is partially resting on roller A and partially resting on roller B, thereby blocking every single one of the light beams #1-47. When all of the light beams are blocked, the spacing system of Small doesn't have any idea where the leading or trailing edges of the transitioning frame are located, thereby rendering the edges useless as control points.

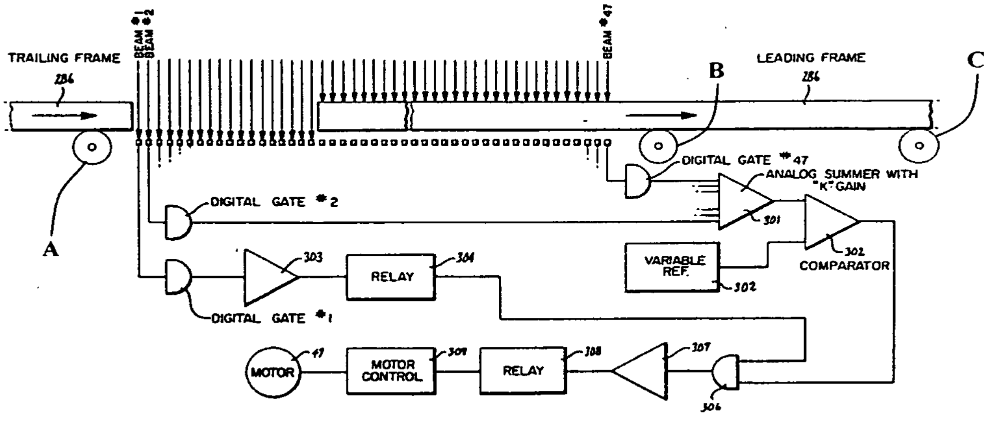

Fig. 20

Labeling the edges control points is incorrect because they are unable to serve as control points during the very moment—the moment of transition—that defines the purpose of control points. A prior art reference cannot be cited for disclosing a given feature when the prior art reference system is designed such that it contradicts the defining aspect of that feature. The Small patent does not suggest using the frame edges as control points because the Small system is designed such that the frame edges are useless as control points.

Still further, even if the frame edges of Small were to be accepted as control points, the Small system does not meet the claim language because it does not measure the position of these edges. Instead, it merely measures the size of the gap between the edges. If the leading and trailing edges of two frames were blocking all but lights #20-27, the Small system would be unable to differentiate this situation from one in which the frames blocked all but lights #30-37. This is because summer 301 in the Small system merely totals the number of lights that are unblocked. It does not keep track of which individual lights are blocked and which are unblocked. Therefore, the Small system does not know the position of the edges, only their separation. Because it does not know their position, it cannot possibly control the conveyor according to the claim language, i.e. "as a function of a position of at least one article control point..."

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[2] It should be noted the modified Figure 20 depicts the leading frame in a position well after control of its speed has transitioned from roller A to roller B. As discussed above, leading frame 286 would transition from roller A to roller B at a moment when it was resting on both rollers A and B and its edges were outside the detection zone of light beams #1-47.

2. Claims 55-94 are Allowable over Small Because Small Does Not Teach, Suggest, or Disclose Sequentially Adjusting Gaps Between Articles at a Series of Sequentially Arranged Conveying Surfaces

The Examiner's Answer contends at page 13 that Small discloses the claim limitation: "wherein gaps between articles are sequentially adjusted at said series of sequentially arranged conveying surface interfaces," or its variant phrasing in the other claims. The Examiner's Answer claims this limitation is disclosed because "Interfaces are between the conveyors 46, etc. of Small et al. Each gap between articles is adjusted by the control system in figure 20." This disclosure does not meet the claim limitations.

The Small patent discloses a conveyor system having only a single conveyor spacer assembly 88 (See Fig. 1 and column 4, lines 42-45). Because there is only a single spacing assembly, it is impossible for the system of Small to adjust gaps between frames at a "series of sequentially arranged conveying surface interfaces." It adjusts gaps between frames at only a single conveyor surface interface, not a series of them. Small neither teaches nor suggests such a system. For these reasons, Small does not render obvious the claimed subject matter.

3. Claims 59, 69, 79, and 89 Are Allowable Over Small Because Small Does not Teach, Suggest, or Disclose Assuming a Control Point

Page 13 of the Examiner's Answer states: "Since Small et al focuses on the ends of adjacent articles via the concern about their spacing, the name (control point) that you call those article ends is immaterial." Applicant does not understand how this point relates to Small's failure to disclose assuming a control point. Nothing in Small states that the conveyor spacer assembly 88 assumes that the edges of the frames (or any other part of the frame) are control points. Indeed, such a disclosure wouldn't make sense because, as discussed above in section VII-F-1, the edges of the frames cannot function as control points in the Small system. Small fails to teach, suggest, or disclose the subject matter of claims 59, 69, 79, and 89.

4. Claims 60-61, 70-71, 80-81, and 90-91 Are Allowable Over Small Because Small Does Not Teach, Suggest, or Disclose Measuring a Control Point

The comments in the Examiner's Answer regarding these claims are based on a misinterpretation of the claims. The Examiner contends that Small discloses the subject matter of these claims because, as stated on page 14, "Since one can assume that the control point is one of the ends of the article and since Small et al is measuring the position of those ends relative to each other by beams 1-47 in figure 20 of Small et al, the control point (end of article) is measured in Small."

This statement reflects a misinterpretation of the claim language. The measuring of the control point referred to in claims 60-61, 70-71, 80-81, and 90-91 refers to the measurement of the location of the control point on the article, not the monitoring of the article's control point as it moves along the conveyor. In one of the embodiments disclosed in the specification, this measurement of the control point is performed by control point calculator 56, and it occurs upstream of the gap control system 40. This action matches the claim language, such as claim 60, which reads: "The induction system of claim 55 wherein said control measures control points of articles *upstream of said plurality of tandem conveying surfaces*." When the claims are properly interpreted, it is clear that there are no structures in the Small patent that measure where a control point is on any of the frames.

Still further, even if one were to consider the Small patent to disclose the measurement of control points, this is clearly not done "upstream of said plurality of tandem conveying surfaces." Small discloses no structures for measuring anything resembling a control point upstream of the interface between rollers A and B.

5. Claims 64, 74, 84, and 94 Are Allowable Over Small Because Small Does Not Teach, Suggest, or Disclose Making a Downstream Conveyor an Adjustable Speed Conveyor

Page 14 of the Examiner's Answer states: "However, motor 49 adjusts the speed of the conveyor 46 of Small et al to vary the gap between articles." This is incorrect. Motor 49 adjusts the speed of conveyor 86, not conveyor 46 (column 4, lines 40-45; column 11, lines 14-20; column 12, lines 28-30). As shown in Fig. 1, conveyor 46 is part of chamber A, while the conveyor spacer assembly 88 is found at the tail end of chamber B. It is the speed of conveyor 86 in chamber B that assembly 88 adjusts.

Adjusting the speed of conveyor 86 does not meet the claim language. Roller A in Fig. 20 is part of conveyor 86. Thus, it is the *upstream* conveyor that Small discloses making adjustable. Yet the claim language states that "said *downstream* conveying surface comprises said adjustable-speed conveying surface." Small discloses the opposite of what is defined in claims 64, 74, 84, and 94.

6. Claims 65-68, 72-73, 85-88, and 92-93 Are Allowable over Small Because Small Does Not Disclose or Suggest Sensing Multiple Gaps

The Examiner's Answer asserts at page 14 that "Small et al senses multiple gaps by using sensors 1-47 to sense each new gap size as the conveyor 46 adjusts the article spacing." This does not meet the claim limitations. Independent claims 65 includes the following limitation: "said article sensor assembly adapted to sensing multiple gaps between articles at a time..." Independent claim 85 recites "sensing with said article sensor assembly multiple gaps between articles at a time..." Small's re-measuring of the gap size does not meet these limitations because re-measuring the size of a gap is not the same as sensing multiple gaps. Re-measuring a gap size constitutes sensing the same gap multiple times, not sensing multiple gaps. The two concepts are different and Small does not teach, disclose, or suggest the limitations of these claims.

G. Additional Comments

Pages 14-15 of the Examiner's Answer include further comments regarding the Examiner's contention that the gap selector circuitry is inadequately disclosed. However, these comments do not address the careful reasoning and explanation set forth in paragraph 10 of the declaration of Mr. Jerry Jakeway. Nor do they address the fact that the standards and reasoning used by selector 66 are set forth in the specification and apparent to one skilled in the art.

Page 15 of the Examiner's Answer states that the claims previously allowed in the parent application, now U.S. Patent No. 6,629,593, were allowed because of alleged differences in the gap selection process of these issued claims and the gap selection process the Examiner believes to be necessary for the present claims. Specifically, the Examiner's Answer states:

> In claims 9-21 [of the issued patent], the selected gap is only between the first and second article. In claims 33-51 [of the issued patent] the selected gap is only between the second and third articles. It was the examiner's opinion that since the selection was predetermined the design of the selector 66 would be simple.

This is incorrect. There is nothing in these issued claims that limits them to "predetermined" gaps. Claim 9 in the '593 patent, for example, specifies "selecting a gap between said first article and a second article," but this does not mean that the gap must be predetermined. Claim 9 of the '593 patent is broad enough to cover systems that process more than two articles, and where there are more than two articles, there will be at least two gaps. Just because claim 9 uses the generic terms "first article" and "second article" in defining which gap is selected does not mean that the selected gap is "predetermined." This leaves unspecified which of the several articles constitutes the "first article" and which constitutes the "second article." As a consequence, the gap that is selected is not predetermined. The fact that claims were allowed in '593 using the term "selected gap" necessitates the same outcome in the present application.

Page 16 of the Examiner's Answer includes additional comments regarding the alleged necessity of identical articles. This issue has been addressed above in section VIII-A-3 and won't be repeated here.

In light of all of the foregoing comments, Applicant believes all of the rejections of claims 55-94 should be reversed.

Respectfully submitted,
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